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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/709,731 | 05/25/2004 | James Peng | FGT 1858 PA | 3730 |
| 27256 | 7590 | 02/28/2006 | EXAMINER | |
| ARTZ & ARTZ, P.C. 28333 TELEGRAPH RD. SUITE 250 SOUTHFIELD, MI 48034 | | | FLEMING, FAYE M | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3616 | |

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | | |
|------------------------------|------------------------|--|---------------------|--|
| Office Action Summary | Application No. | | Applicant(s) | |
| | 10/709,731 | | PENG ET AL. | |
| | Examiner | | Art Unit | |
| | Faye M. Fleming | | 3616 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Choi (6,932,380).

Choi discloses an automotive overhead airbag assembly comprising an airbag mounted on an inside surface of a vehicle roof at an airbag mount position, the airbag having an airbag stored condition and an airbag deployed position, the airbag expanding downwards from the vehicle roof when in the airbag deployed position; at least one wing element having a upper wing mounting edge 162 mounted to the vehicle roof and a side wing mounting edge 166 mounted to a lower deployed portion of the airbag, the upper wing mounting edge extending in a transverse direction from the airbag mount position, the at least one wing element having a wing stored condition and a wing deployed position, the at least one wing element restricting forward motion of the airbag when the airbag is in the deployed position; and a trampoline 160 surface formed by the at least one wing element when the at least one wing element is in

Art Unit: 3616

the wing deployed position, the trampoline surface absorbing passenger forward momentum during vehicle impact. The first wing element and second wing element comprise triangular wing elements, see figure 4.

Choi teaches an airbag module storing the airbag when the airbag is in the airbag stored position, the airbag module having at least one slotted guide positioned on a transverse side, the at least one slotted guide permitting the at least one wing element to extend in the transverse direction while the airbag is in the airbag stored position, see figure 1. The assembly a slotted chamber positioned on the vehicle roof, the slotted chamber extending in a transverse direction from the airbag module, the at least one wing element stored in the slotted chamber when the airbag is in the airbag stored position. The side wing mounting edge is vertically mounted to the airbag. The side wing mounting edge is stitched on an inner surface of the airbag. The airbag comprises a vertically orientated center portion, the first wing element and the second wing element mounted to opposing edges of the vertically orientated center portion such that the trampoline is comprised of the first wing element, the second wing element, and the vertically orientated center portion. The trampoline comprises the at least one wing element stretched to resist forward motion of the airbag. The trampoline surface absorbing passenger forward momentum during vehicle impact. The airbag is mounted to a roof rail. The module housing the airbag when the airbag is in the airbag stored position, the airbag module having a first slotted guide and a second slotted guide positioned on opposing transverse sides of the airbag module, the first and second slotted guides permitting the first and second wing elements to extend in opposing transverse directions from the airbag module while the airbag is in the airbag stored position. Regarding claims 17-20, Choi teaches an obvious method of use of the structure as claimed.

Conclusion

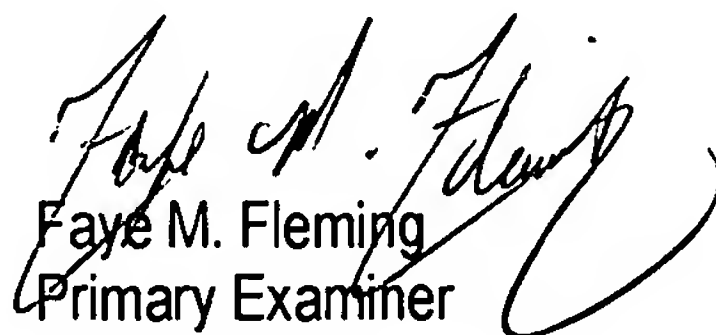
3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 3616

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faye M. Fleming whose telephone number is (571) 272-6672. The examiner can normally be reached on M-F (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Faye M. Fleming
Primary Examiner
Art Unit 3616
02/21/2006